

AMENDED IN SENATE MAY 1, 2012  
AMENDED IN SENATE APRIL 16, 2012

**SENATE BILL**

**No. 1389**

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**Introduced by Senator Corbett**

February 24, 2012

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An act to add Section 13024 to the Penal Code, relating to Internet crime statistics.

LEGISLATIVE COUNSEL'S DIGEST

SB 1389, as amended, Corbett. Internet crimes: data collection.

Existing law makes it a crime to engage in various acts constituting an invasion of privacy, such as wiretapping and eavesdropping.

Existing law requires the Attorney General to, subject to adequate funding, direct local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, any information that may be required relative to hate crimes.

This bill would require the Attorney General to direct local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, any information that may be required relative to criminal activity that is generated by the misuse of private information gathered from the Internet. The bill would require the Department of Justice, in consultation with the Office of Privacy Protection, to survey local law enforcement agencies to obtain information that tracks the amount and type of criminal activity that is generated by that criminal activity and to publish on the department's Internet Web site the information obtained pursuant to this requirement, as specified. By imposing additional duties on local law enforcement agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13024 is added to the Penal Code, to  
2 read:

3 13024. (a) The Attorney General shall direct local law  
4 enforcement agencies to report to the Department of Justice, in a  
5 manner to be prescribed by the Attorney General, any information  
6 that may be required relative to criminal activity that is generated  
7 by the misuse of private information gathered from the Internet.  
8 The Attorney General shall consider the use of a form or a check  
9 box to increase the availability of information sought by this  
10 section.

11 (b) The Department of Justice in consultation with the Office  
12 of Privacy Protection shall survey local law enforcement agencies  
13 to obtain information that tracks the amount and type of criminal  
14 activity that is generated by the misuse of private information  
15 gathered from the Internet.

16 (1) The survey shall look at information including, but not  
17 limited to, arrest information and presentence reports.

18 (2) The survey shall include interviews with a wide array of law  
19 enforcement officials, including, but not limited to, police officers,  
20 sheriffs, and district attorneys.

21 (3) The survey shall include how local law enforcement agencies  
22 in each county currently collects information on criminal activity  
23 that is generated by the misuse of private information gathered  
24 from the Internet.

25 (c) The Department of Justice shall publish on the department's  
26 Internet Web site the information obtained pursuant to this section.  
27 The published information shall include examples of how the  
28 private information was ~~obtain~~ *obtained* and how it was misused,

1 the amounts and types of criminal activity that were generated,  
2 and recommendations of how to reduce Internet-related criminal  
3 activity and protect vulnerable populations.

4 SEC. 2. If the Commission on State Mandates determines that  
5 this act contains costs mandated by the state, reimbursement to  
6 local agencies and school districts for those costs shall be made  
7 pursuant to Part 7 (commencing with Section 17500) of Division  
8 4 of Title 2 of the Government Code.

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